

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

UNITED STATES OF AMERICA,
Plaintiff,

v.

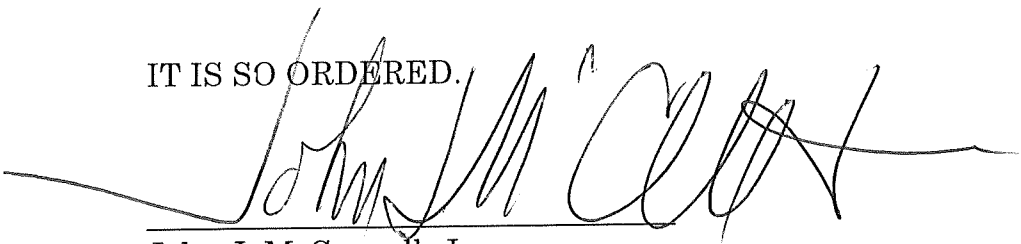
STATE OF RHODE ISLAND,
Defendant.

C.A. No. 13-442-JJM-PAS

ORDER

Upon recommendation of the Court Monitor, after he consulted with all parties, the Court hereby ORDERS the required actions and timelines in the attached document dated November 9, 2022, entitled "Actions to be Completed for the State to be in Substantial Compliance by June 30, 2024."

IT IS SO ORDERED.


John J. McConnell, Jr.
Chief Judge
United States District Court

December 6, 2022

**Actions to be Completed for the State to be in Substantial Compliance By June 30, 2024
December 1, 2022**

The table below is a summary of the essential provisions of the Consent Decree, the July 2020 court order, the October 2021 court-ordered Action Plan, the May 2022 court order and the recommendations from Monitor's Reports that have not been met or are incomplete. The actions specified below will be the basis for monitoring and State accountability.

As has been repeatedly discussed during the past three years, substantial compliance will be assessed at four levels.

- **Statewide Systemic Changes** – criterion: 100% of required administrative, procedural, fiscal changes will be fully implemented by July 1, 2023. State will present clear documentation of implementation.
- **Service Provision** – criterion: adult provider organizations have plans for implementing innovative practices to scale; school districts have plans for increasing the number of youth in transition who are employed and have community connections before exiting school; individuals who self-direct will have increase access to information and employment and community supports.
- **Benchmark Data** – criterion: progressive increase in supported employment placements (State Quarterly Report); progressive increase in point-in-time employment rates, hours worked, wages, diversity of job types (Sherlock Employment and Day Activity Survey Semi-Annual Consent Decree Report); progressive increases in integrated community activity, hours in community and range of activities (Sherlock Employment and Day Activity Survey Semi-Annual Consent Decree Report); progressive increases in number of transition youth who are employed and have community connections prior to school exit (data collected by RIDE from school districts); progressive decrease in staff vacancy and turnover rates (Staff Stability Survey).
- **Changes in Individual Lives** – criterion: two-thirds of random sample of individuals will report a community-based life, achievement of personal goals and satisfaction (independent interviews).

Current Status Sources for Table Below:

- State Quarterly Consent Decree Report – 10/31/2022
- Sherlock Employment and Day Activity Survey – 8/2022
- Monitor's Report – 8/2022
- Staff Stability Survey, Reporting Period January-July, 2022.

Consent Decree Benchmarks	Current Status	Required Actions (<i>and source</i>)	Completion Date
<p>Supported Employment Placements. 100% of Youth Exit Population, 700 individuals in the Sheltered Workshop Population (83% of population in 2014), 950 individuals in the Day Population (50% of population in 2014) will have supported employment placements by January, 2024. (Consent Decree, Section IV)</p> <p>Supported Employment Placement is defined as at or above minimum wage, maximum hours that match the individual, interaction with others, same opportunities as other employees. (Consent Decree, Section V D).</p> <p>Current Employment. All individuals receiving a supported employment placement will work, as “determined by a point in time survey”, an average of 20 hours per week. (Consent Decree, Section V J-K),</p>	289 placements (10/31/2022) for Youth Exit Population – 70% of current population.	Substantially meet the Consent Decree benchmarks for Supported Employment placements and individuals currently employed.	June, 2024
	263 placements (10/31/2022) for Sheltered Workshop Population – 44% of current population.	Substantially meet the Consent Decree benchmarks for hourly wage and hours worked.	June, 2024
	430 placements (10/31/2022) for Day Population – 33% of current population.	<p>Strategy – Increased Employer Outreach and Support Significantly increase outreach to employers and number of employers with employees from the Consent Decree population. (<i>Monitor Reports – 9/2020; 8/2022</i>). Facilitate implementation of practices described in State 10/31/2022 Report in every provider organization.</p>	Immediate Continuous
		Expand Workforce Accessibility Grants and Real Jobs RI partnerships (<i>10/31/2022 State Report</i>)	Immediate Continuous
	76 individuals in the Youth Exit population (18% of the current population) are employed at an average wage of \$13.37 for an average of 11,28 hours per week.	<p>Strategy – Expand and Fund Innovative Practices Provide targeted employment funding (identified in the FY23 budget) to facilitate employment efforts (<i>Monitor 8/2022 Report</i>).</p>	December 1, 2022
	94 individuals in the Sheltered Workshop population (16% of the current population) are employed at an average hourly wage of \$13.19 for an	Round 2 Transformation Projects (<i>Action Plan; 10/2021</i>) have been the stimulus for innovative service delivery and job development models. Facilitate successful projects going to scale either through new rate structure or through continuation funding. (<i>Monitor Reports – 11/2021; 8/2022</i>).	July, 2023
		Distribute technology funds efficiently. (<i>Action Plan 10/2021; Monitor Reports – 11/2021, 8, 2022</i>)	Immediate Continuous

<p>Job Search. State shall implement a "...job search process for each individual eligible for a supported employment placement...begins with 10 days of completion of vocational assessment." (<i>Consent Decree, Section VII 9</i>)</p>	<p>average of 11 hours per week.</p> <p>177 individuals in the Day population (14% of the current population) are employed at an average hourly wage of \$13.17 for an average of 8.2 hours per week.</p> <p>197 individuals in the Consent Decree populations who are currently not employed (10% of the current population not employed) are receiving other supported employment services for an average of 5.2 hours per week.</p> <p>69 individuals (3.5% of the not employed population) received job search activities for an average of 1.77 hours per week.</p>	<p>Strategy – Increased Information and Access for Individuals who Self-Direct</p> <p>Provide information re: employment and integrated community activity to individuals who self-direct through implementation of the Self-Direct RFP grantees. (<i>Action Plan, 10/2021; Monitor Reports – 11/2020. 8/2022</i>).</p>	<p>December, 2022 Continuous</p>
<p>Address 16 Administrative Barriers (<i>July, 2020 Court Order</i>)</p>	<p>In response to 7/2020 court order, five work groups made a series of recommendations for removing administrative barriers. Some have been implemented. The items in</p>	<p>Alternatives to the 16 issues listed in the July, 2020 court order will be fully implemented and funded.</p> <p>Simplify the application process. Recognizing that each state/federal agency requires different information, develop an application process and data set that eliminates duplication and decreases the number of different applications individuals need to complete.</p>	<p>July, 2023</p> <p>July, 2023</p>

	the next column are still incomplete.	<p>Develop the process by March 31, 2023 and fully implement the revised application process by July 1, 2023. (7/2020 Court Order and <i>Monitor's Report – August, 2022</i>)</p> <p>Develop and implement the revised process for assessing individual needs, developing individualized budget allocations, independent facilitation of person-centered plans. (<i>Monitor's Report – August, 2022 and Monitor's Review of Rate Recommendations – 10/2022</i>)</p> <p>The Assessment process (i.e., the mechanics of determining need levels and budgets) should consist of three components:</p> <ul style="list-style-type: none"> • If the SIS-A continues to be the base, the re-norming of the SIS provides an opportunity to change the algorithm. The Court has also directed that the State explore alternatives to using the SIS as the base before the end of the Consent Decree – now might be the time. • The supplemental questions triggered by the medical and/or behavioral sections of the SIS-A should provide the basis for additional funding without the need for appeals or additional documentation. • There needs to be a third component that consists of a supplemental questionnaire (currently drafted) and/or other pertinent information that allows individuals to identify unique needs and costs they may have. This will allow individuals/families to identify needs and costs above and beyond the SIS base and the supplemental questions. <p>Individual budgets should have at least two components:</p> <ul style="list-style-type: none"> • The core budget package – i.e., those supports/amounts that are established through SIS/supplemental questions (residential, community 	<p>July, 2023</p> <p>July, 2023</p> <p>July, 2023</p>
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		<p>activity – staffing costs, administration), supports brokerage (i.e., conflict-free case management) and....</p> <ul style="list-style-type: none"> • Those supports/amounts that are supplemental and/or unique to individuals – employment supports, additional transportation needs and costs, professional services. <p>For purposes of the Consent Decree, supports facilitation/brokerage and employment supports should be mandatory.</p> <p>For many individuals and families the crux of person-centeredness is the conflict-free case management (or supports facilitation) process. The components to this process (in sequence) are:</p> <ul style="list-style-type: none"> • Complete first two steps of assessment process – re-normed SIS and supplemental questions • Selection of supports conflict-free case manager/facilitator/broker – there should be a separate budget code for this that adequately compensates for initial assessments, plan development, final stages of budget development, quarterly review/monitoring, administrative tasks (data, report writing, et al) • Plan Development with supports facilitation • Third component of assessment process • Finalized individual budget • Allocation and implementation • Quarterly or semi-annual review of outcomes. <p>Methodology for measuring individual outcomes will be developed and implemented as a component of the annual review.</p> <p>Provide information to all service recipients re: implementation of annual budget allocations.</p>	<p>Model complete January 1, 2023</p> <p>Field Test Spring, 2023</p> <p>Full Implementation July 1, 2023</p> <p>July, 2023</p> <p>January, 2023</p>
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<p>Integrated Day (i.e. Community) Supports will be provided for the time in a 40 hour week not spent in work. (<i>Consent Decree, Section VI B</i>)</p>	<p>173 Individuals in the Youth Exit population (42% of the current population) participate in integrated community activities.</p> <p>388 Individuals in the Sheltered Workshop population (65% of the current population) participate in integrated community activities.</p> <p>872 Individuals in the Day Activities population (67% of the current population) participate in integrated community activities.</p>	<p>Increased access to integrated community activities to align with intent of Consent Decree benchmarks.</p> <p>Strategy – Implementation of conflict-free case management, individualized budget allocations and comprehensive person-centered planning. (<i>described above</i>)</p> <p>Strategy – Expand and Fund Innovative Practices Round 2 Transformation Projects (<i>Action Plan; 10/2021</i>) have been the stimulus for innovative service delivery models for both employment and integrated community activities. Facilitate successful projects going to scale either through new rate structure or through continuation funding. (<i>Monitor Reports – 11/2021; 8/2022</i>).</p> <p>Distribute technology funds efficiently. (<i>Action Plan 10/2021; Monitor Reports – 11/2021, 8, 2022</i>)</p>	<p>June, 2024</p> <p>See administrative timeline above</p> <p>July, 2023</p> <p>Immediate Continuous</p>

	13.6 average weekly hours of integrated community activity.	<p>Strategy – Increased Information and Access for Individuals who Self-Direct Provide information re: employment and integrated community activity to individuals who self-direct through implementation of the Self-Direct RFP grantees. (<i>Action Plan, 10/2021; Monitor Reports – 11/2020. 8/2022</i>).</p> <p>Strategy – through the rate review process and/or other strategies, increase the variety of transportation options and the number of allocated trips. (<i>Action Plan, 10/2021; Monitor Reports – 11/2020. 8/2022</i>).</p>	<p>December, 2022 Continuous</p> <p>July, 2023</p>
Career Development Plans for all individuals in the Consent Decree populations. (<i>Consent Decree, Section VII</i>)	100% of Consent Decree Class have active Career Development Plans.	Revise Career Development Plan to guide individuals from discovery to targeted work trials to job search and job development. (<i>Monitor Report – August, 2022</i>)	July, 2023
<p>All Youth in Transition will have a “person-centered career development plan”. (<i>Consent Decree, Section VIII 7</i>)</p> <p>All Youth in Transition will have “opportunity to experience one or more vocational assessments in integrated settings” (<i>Consent Decree, Section VIII 5</i>)</p> <p>All Youth in Transition will have two trial work experiences, approximately 60 days in duration. (<i>Consent Decree, Section VIII 6</i>)</p>	<p>100% of Youth in Transition have Career Development Plans.</p> <p>RIDE sample of students reports that 58% of students have participated in at least one short term experience, 67% have participated in at least one long term experience, 45% participated in two or more experiences and 9% had a paid work experience.</p> <p>Monitor’s visits to high schools and review of Career Development Plans</p>	<p>Revise Career Development Plan to guide individuals from discovery to targeted work trials to job search and job development. (<i>Monitor Report – August, 2022</i>)</p> <p>Refocus career planning and placements to developing paid employment while still in school with the goal of each student having a paid job before exiting school. (<i>Monitor Report – August, 2022</i>)</p> <p>Include community activity in transition planning with the goal of each student having three or four active community connections before exiting school. (<i>Monitor Report – August, 2022</i>)</p> <p>Develop and implement strategies that will increase the capacity of schools to develop employment and community connections. Increase the presence of DDD, ORS and other transition-related agencies in middle and high schools. Increase the number of ORS vendors linked</p>	<p>July, 2023</p> <p>September, 2023 Continuous</p> <p>September, 2023 Continuous</p> <p>January, 2023 Continuous</p>

	documented the high number of work experiences in which students have participated.	<p>to schools to increase the number of students who are employed before school exit. For students found eligible for DD services (eligibility by 17) provide funding and/or other supports/resources to increase community connections before school exit. (<i>Monitor Report – August, 2022</i>)</p> <p>Increase access and use of Career and Technical Education by youth in transition. (<i>Monitor Report – August, 2022</i>). Report the number of transition-aged students participating in CTE.</p> <p>Incentivize adult service providers to become involved with transition planning at least two years prior to school exit. (<i>Monitor Report – August, 2022</i>)</p> <p>In response to family requests, provide every family with a consistent person to talk to and to serve as a guide through the transition process. Provide every school districts with funding for stipends for family mentors. (<i>Monitor Report – August, 2022</i>)</p> <p>Develop and implement strategies to expand peer-to-peer and family-to-family supports.</p> <p>Develop a strategy for increase access of youth in transition to transportation to employment and community activities. (<i>Monitor Report – August, 2022</i>)</p>	<p>July, 2023</p> <p>July, 2023</p> <p>July, 2023</p> <p>July, 2023</p> <p>July, 2023</p>
State will develop and implement “a competency-based and value-based training program” for all Consent Decree related staff. (<i>Consent Decree, Section IX 1</i>)	There are a variety of quality training activities in existence through the Conversion Institute, RIDE, ORS, BHDDH and other sources. There are several strategies in place for	<p>Through the Statewide Workforce Initiative (described below) develop and implement a training hierarchy for direct support staff. (<i>Monitor Report – August, 2022</i>)</p> <p>Participants in PCSEPP 3 have documented the value of training in discovery and customized employment in developing employment for individuals with IDD. Based</p>	<p>January, 2023</p> <p>January, 2023</p>

<p>The State will ensure that all persons involved in the discovery and assessment process, the preparation and implementation of career development plans, and the provision of Supported Employment and Integrated Day Services and Placements for members of the Target Populations receive training specific to providing services and supports to individuals with I/DD. (<i>Consent Decree, Section IX 3</i>)</p>	<p>achieving ACRE certification. The State's 10/31/2022 Quarterly Report summarizes several of these training initiatives.</p>	<p>on this, develop and implement a customized employment training curriculum for all employment staff. (<i>Monitor Report – August, 2022</i>)</p> <p>Provide training to all providers of self-directed services including DSPs and families, at no cost to the trainee participant or individual receiving services, that includes instruction on person-centered planning, as well as the integrated day and employment services offered under the Consent Decree. Provide these trainings live, in-person and virtually, every six months, with up-to-date training documents continuously available online.</p>	<p>January, 2023</p>
<p>The State will develop an outreach, in-reach, and education program that explains the benefits of supported employment, that addresses concerns of families and perceived obstacles to participating in supported employment programs, and that is designed to encourage individuals with I/DD in Rhode Island to seek Supported Employment Services... and participate in other related initiatives. (<i>Consent Decree, Section X 1</i>)</p>	<p>Individuals and families report uncertainty and lack of information about employment first, the Consent Decree, employment and community activity. (<i>Family Survey, Monitor Report 9/2020</i>)</p> <p>Monitor interviews with families of youth in transition indicate that few families have operational plans for post-school life. Most are overwhelmed by the process and report not having sufficient information or support.</p>	<p>In response to family requests, provide every family with a consistent person to talk to and to serve as a guide through the transition process. Provide every school districts with funding for stipends for family mentors. (<i>Monitor Report – August, 2022</i>)</p> <p>Develop and implement a comprehensive communication plan to ensure that individuals and families understand the new administrative processes and employment and community supports. (<i>Monitor Report – August, 2022</i>)</p> <p>Increased Information and Access for Individuals who Self-Direct. Provide information re: employment and integrated community activity to individuals who self-direct through implementation of the Self-Direct RFP grantees. (<i>Action Plan, 10/2021; Monitor Reports – 11/2020. 8/2022</i>)</p> <p>Create an online hub for resources for individuals who self-direct their services and their staff.</p>	<p>March, 2023 Continuous</p> <p>January 1, 2023</p> <p>December, 2022 Continuous</p> <p>January 31, 2023</p>

		<p>Provide outreach, education and support to any individuals in the Consent Decree populations who are in segregated day settings (Adult Day Centers) to ensure that those individuals have access to the services and supports necessary to make informed decisions about Integrated Day and Supported Employment Services.</p> <p>Develop a professional development curriculum for caseworkers and others to ensure consistent understanding, messaging and implementation of the new administrative processes. (<i>Monitor Report – August, 2022</i>)</p>	<p>January 31, 2023</p> <p>January 31, 2023</p>
<p>The State will ensure that it supports and maintains a sufficient capacity to deliver Supported Employment and Integrated Day Services to individuals in the Consent Decree populations. (<i>Consent Decree, Section XI I</i>)</p>	<p>Staff Stability Survey – data collected for January to July 2022 documented</p> <ul style="list-style-type: none"> • An increase of 106 DSPs during that time period; • Turnover rate of 15.8%; • 693 vacancies • Vacancy rate of 20.4%. <p>Self-Direct Workforce Survey had 178 respondents who indicated 213 vacancies. If that number is representative of the complete self-direct populations, there would be close to 1000 vacancies in the self-direct system.</p> <p>Court ordered (<i>10/2021 Action Plan</i>) wages increases have been implemented.</p>	<p>Fully implement the expectations of the Statewide Workforce Initiative (<i>Action Plan – October, 2021; Court Order – 5/3/2022; Monitor Reports – 11/2021 and 8/2022: Monitor Review – 9/1/2022</i>)</p> <ul style="list-style-type: none"> • Redefining the Position to Reflect Community-Based Responsibilities. • Effective Recruitment – Broadening Recruitment Populations and Demographics, Realistic Job Previews, Broad Public Campaigns, Creating Apprenticeships and Pathways for Secondary and Post-Secondary Students and other strategies referenced (in the report). • Training Requirements based on the various core competency sets listed (in the report) and unique needs of the Rhode Island workforce. • Credentialing Aligned with Training Requirements. • Effective Retention Strategies – Strategies that support personal and career growth including facilitating completion of degree programs, exploration of public service loan forgiveness, supporting staff to develop plans to achieve personal career goals. 	<p>Immediate Continuous</p>

	<p>The Statewide Workforce Initiative has begun and has initiated recruitment and planning efforts. The vendor reports September data – 1015 applications to providers (many of whom were on line hits, 85 applications through the ARC initiative, 29 applications through DLT initiatives....and 146 new hires.</p>	<p>Statewide Workforce Initiative will be implemented and coordinated through a Coordinating Council, as defined in Monitor’s Review 9/1/2022.</p> <p>Statewide Workforce Initiative will meet the benchmarks defined in the 5/3/2022 court order and will include ALL partners public and private in development and implementation of workforce initiatives.</p> <p>Explore the possibility of developing a statewide mechanism for providing health benefits to self-direct support staff. (<i>Monitor Report – August, 2022</i>)</p> <p>Provide competency training for individuals in the Consent Decree populations who self-direct their services and, if applicable, their primary caregivers and guardians, at no cost to the member or caregivers.</p>	<p>Immediate Continuous</p> <p>July, 2023</p> <p>January 31, 2023</p>
<p>The State shall timely fund the services and supports necessary to comply with this Consent Decree. (<i>Consent Decree, Section XIV 3</i>)</p>	<p>Court ordered wage increases have been implemented.</p> <p>Transformation funds ordered in the 10/2021 Action Plan have been awarded.</p> <p>Technology funds and Self-Direct funds ordered in the 10/21 Action Plan are in process.</p>	<p>Implementation and funding of Rate Review recommendations. FY2024 budget request should include adequate funding for rate review recommendations and all other administrative and programmatic initiatives. (<i>Action Plan – October, 2021 Monitor Report – August, 2022</i>)</p> <p>Develop and disseminate a guide that provide guidance re: braiding of funding from ORS, BHDDH, DLT and any other source to increase employment and community outcomes. (<i>Monitor Report – August, 2022</i>)</p> <p>Identify alternate and additional sources of state of public and/or private funding that could support the goals of the Consent Decree. Develop a document that describes how these funding sources can be braided to support the various functions of the Consent Decree.</p>	<p>July, 2023</p> <p>January, 2023</p> <p>July, 2023</p>

		Develop and disseminate a guide for members of the Consent Decree population that describes these additional sources of funding, their purposes, how they can be accessed and used to support the goals of individual person-centered plans. (<i>Monitor Reports – November, 2021 and August, 2022</i>)	
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